

IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION

UNITED STATES OF AMERICA	)	
	)	
v.	)	CASE NO. 4:16-cr-00152-1
	)	
Carvis Dewayne Hughes,	)	
Defendant.	)	
	)	
	)	

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O R D E R

Defendant Hughes has filed a Motion Pursuant to the First Step Act of 2018. In his Motion, Defendant asks the Court to apply the provisions of the First Step Act to his case and to review the prior state conviction that was used to enhance his sentence. Defendant also requests that the Court compel the Bureau of Prisons (BOP) to award him 7 days of good time credit to which he believes he is entitled.

Defendant was sentenced in August 2016 following his plea of guilty to possession with intent to distribute controlled substances, in violation of 21 U.S.C. § 841(a)(1). The defendant's applicable statutory maximum penalty was 20 years. The First Step Act authorizes the Court to review a defendant's case as if the Fair Sentencing Act 2010 were in effect at the time of sentencing; in Defendant's case, however, the Fair Sentencing Act of 2010 was in effect when Defendant was sentenced, and he was sentenced pursuant to the provisions of that Act. Therefore, he is not eligible for a sentence reduction pursuant to the First Step Act.

Defendant's request that this Court review the applicability of a prior conviction used to calculate his sentence pursuant to 18 U.S.C. § 3582(c)(2) is improper.

Honorable William T. Moore, Jr.  
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Motions to reduce sentence are inappropriate vehicles to collaterally attack the unaffected portions of a sentence otherwise subject to modification.

Finally, any good-time credit relief Defendant seeks must first be sought from the BOP itself. Defendant must in fact exhaust his administrative remedies with the BOP before seeking redress with the Court through a § 2241 habeas petition. Defendant has not demonstrated the exhaustion of his administrative remedies with the BOP.

Based on the foregoing, Defendant's Motion is **DENIED**.

SO ORDERED this 31<sup>st</sup> day of MARCH, 2020.

  
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WILLIAM T. MOORE, JR.  
JUDGE, U.S. DISTRICT COURT